

**§ 20.404 Interested persons.**

(a) A person not a party to a class II civil penalty proceeding under this part, who wishes to be an interested person in the proceeding, must file with the Hearing Docket Clerk within 30 days after publication in the FEDERAL REGISTER of the public notice required by § 20.402 either—

(1) Written comments on the proceeding; or

(2) Written notice of intent to present evidence at any hearing to be held in the proceeding.

(b) For good cause shown, the Administrative Law Judge may accept late comments or late notice of intent to present evidence.

(c) An interested person shall be given notice of any hearing to be held in the proceeding and of the decision in the proceeding. In any hearing the interested person shall have a reasonable opportunity to be heard and to present evidence

(d) For the purposes of paragraph (c) of this section, a reasonable opportunity to be heard and to present evidence does not include—

(1) Subpoena requests for witnesses;

(2) Cross-examination of witnesses; or

(3) Appearance at settlement conference(s).

**Subpart E—Conferences and Settlement**

**§ 20.501 Conferences.**

(a) The Administrative Law Judge may direct the parties to attend one or more conferences prior to or during the course of the hearing. Parties may request a conference by motion.

(b) The Administrative Law Judge may provide notice of a conference, other than a settlement conference, to interested persons, as the Administrative Law Judge deems appropriate.

(c) Reasonable notice of the time and place of the conference will be given to the parties. A conference may be held in person, by telephone conference, or by other appropriate means.

(d) Parties and interested persons when participating, shall be fully prepared for a useful discussion of all issues involved in the conference, both procedural and substantive, and au-

thorized to make commitments with respect to the proceedings.

(e) Unless excused by the Administrative Law Judge, failure of a party to attend or participate in a conference, after being served with reasonable notice of the time and place, will constitute a waiver of all objections to the agreements reached in the conference and to any order or ruling that results.

(f) The Administrative Law Judge may order that any or all of the following be addressed or furnished before, during, or after, the conference:

(1) Motions for discovery.

(2) Motions for consolidation or severance of parties or issues in the civil penalty proceeding.

(3) Method of service and filing.

(4) Identification, simplification, and clarification of the issues.

(5) Requests for amendment of the pleadings.

(6) Stipulations and admissions of fact and of the content and authenticity of documents.

(7) A discussion of the desirability of limiting and grouping witnesses, so as to avoid duplication.

(8) Requests for official notice and particular matters to be resolved by reliance upon the agency's substantive standards, regulations, and rules.

(9) Offers of settlement.

(10) Proposed date, time, and place of the hearing.

(11) Other matters that may aid in the disposition of the civil penalty proceeding.

(g) A conference is not to be stenographically reported or otherwise recorded unless authorized by the Administrative Law Judge.

(h) During a conference, the Administrative Law Judge may dispose of any procedural matters on which he or she is authorized to rule.

(i) Actions taken as a result of a conference may be recorded in—

(1) A written report;

(2) A stenographic transcript if ordered by the Administrative Law Judge; or

(3) A statement by the Administrative Law Judge on the record at the hearing summarizing the actions taken.